

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

B17010058

IN RE: CASE NO. 17-00117

Paris Nicole Winston; CHAPTER 13

Debtor(s). JUDGE Deborah L. Thorne

**RESPONSE TO DEBTOR'S MOTION TO DETERMINE VALUE OF COLLATERAL
AND TO RELEASE WELLS FARGO BANK NA'S UNDERLYING LIEN OF
COLLATERAL**

Wells Fargo Bank, NA, hereinafter referred to as "Creditor", by and through its attorneys, ANSELMO LINDBERG OLIVER LLC, hereby responds to the Motion to Determine Value of Collateral and to Release Wells Fargo Bank NA's Underlying Line of Collateral (hereinafter referred to as "Debtor's Motion to Determine Value") as follows:

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1334 and the general orders of the Northern District of Illinois.
2. Venue is fixed in this Court pursuant to 28 U.S.C. § 1409.
3. This matter constitutes a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(L).
4. The debtor filed a petition for relief under Chapter 13 on January 3, 2017.

Debtor's case has not yet been confirmed.

5. Wells Fargo Bank, NA (hereinafter referred to as "Creditor") holds a mortgage secured by a lien on debtor's real estate commonly known as 15104 Woodlawn Avenue, Dolton, Illinois 60419.
6. Creditor filed a claim for pre-petition arrears in the amount of \$33,618.98 and a total secured claim in the amount of \$112,170.17. (See Proof of Claim 4-1 filed January 30, 2017.)

7. Debtor's Motion to Determine Value was filed on May 16, 2017 and asserts that the value of the subject property is \$83,500.00.
8. Creditor obtained its own appraisal from a licensed real estate appraiser which determined that the value of the subject property is \$100,000.00 as of the date of the Debtor's bankruptcy filing. A copy of the appraisal report is attached hereto and marked as "Exhibit A".
9. Creditor seeks to have the subject property valued at \$100,000.00.
10. Under 11 U.S.C. § 506, the mortgage lien on a non-residential property may be modified by the Debtor; the secured lien may be modified up to the value of the property and the remaining amount treated as unsecured.
11. Based on the value of the subject property of \$100,000.00 and Creditor's secured claim of \$112,170.17, Creditor holds a secured claim in the amount of \$100,000.00 and an unsecured claim in the amount of \$12,170.17.
12. For the foregoing reasons, Creditor requests that the Court enter an Order determining the value of the Property is \$100,000.00 and that the remaining \$12,170.17 is treated as unsecured.

WHEREFORE, Creditor, Wells Fargo Bank, NA, requests that this Honorable Court enter an Order which states Creditor holds a secured claim in the amount of \$100,000.00 and an unsecured claim in the amount of \$12,170.17, and for such further relief as this Court deems just and equitable.

Wells Fargo Bank, NA

/s/ Crystal V. Sava

Anselmo Lindberg Oliver
1771 W. Diehl Rd., Ste. 120
Naperville, IL 60563-4947
630-453-6960 | 866-402-8661 | 630-428-4620 (fax)
bankruptcy@ALOLawGroup.com
Firm File Number: B17010058

This law firm is deemed to be a debt collector.

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE: CASE NO. 17-00117

Paris Nicole Winston; CHAPTER 13

Debtor(s). JUDGE Deborah L. Thorne

NOTICE OF FILING

PLEASE TAKE NOTICE THAT ON June 6, 2017, a Response to Debtor's Motion to Determine Value of Collateral and to Release Wells Fargo Bank NA's Underlying Line of Collateral was filed with the Clerk of the Bankruptcy Court, Northern District, Eastern Division.

/s/ Crystal V. Sava
Attorney for Creditor

Anselmo Lindberg Oliver
1771 W. Diehl Rd., Ste. 120
Naperville, IL 60563-4947
630-453-6960 | 866-402-8661 | 630-428-4620 (fax)
bankruptcy@ALOLawGroup.com
Firm File Number: B17010058

NOTE: This law firm is deemed to be a debt collector.

CERTIFICATE OF SERVICE

I hereby certify that on June 6, 2017 a true and correct copy of the foregoing Response to Debtor's Motion to Determine Value was served:

Via the Court's ECF system on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Salvador J Lopez, Debtor's Counsel

Marilyn O. Marshall, Trustee

Patrick S. Layng, United States Trustee

And by regular US Mail, postage pre-paid on:

Paris Nicole Winston, 15104 Woodlawn, Dolton, IL 60419

/s/ Jennell Powell
Attorney for Creditor